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FM AMEMBASSY TEGUCIGALPA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 0616

INFO RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS IMMEDIATE

RUEAHND/COMJTF-B SOTO CANO HO IMMEDIATE

RUEKJCS/JOINT STAFF WASHDC IMMEDIATE

RUMIAAA/CDR USSOUTHCOM MIAMI FL IMMEDIATE

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RUEAIIA/CIA WASHDC IMMEDIATE

RULGPSU/COMSOC SOUTH IMMEDIATE

RHEFDIA/DIA WASHINGTON DC IMMEDIATE

RUEIDN/DNI WASHINGTON DC IMMEDIATE

RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC IMMEDIATE

RUEKJCS/SECDEF WASHDC IMMEDIATE

RUMIAAA/USSOUTHCOM MIAMI FL IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000891

SIPDIS

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TAGS: [PGOV](#) [KDEM](#) [KJUS](#) [PHUM](#) [HO](#)

SUBJECT: TFH01: JUSTICE FOR MY ENEMIES: DE FACTO GOVERNMENT
VIGOROUSLY PURSUES PROSECUTIONS AGAINST ZELAYA TEAM

REF: A. TEGUCIGALPA 890

[1](#)B. TEGUCIGALPA 740

[1](#)C. TEGUCIGALPA 661

[1](#)D. TEGUCIGALPA 577

[1](#)E. TEGUCIGALPA 543

[1](#)F. TEGUCIGALPA 521

Classified By: Charge d'Affaires, a.i. Simon Henshaw for reason 1.4 (d)

[1](#)1. (SBU) Summary: Since the June 28 forced removal of President Zelaya, the Public Ministry and the de facto regime have waged a concerted effort to discredit and intimidate Zelaya cabinet members and coup opponents through investigations of a string of alleged criminal activities. Formal investigations have been opened in relation to two scandals that arose before the coup, but the Public Ministry has indicated other criminal investigations have been commenced against Zelaya cabinet members since the coup. Furthermore, coup opponents have reported to Emboffs frequent intimidating calls from Public Ministry telephone numbers, and the de facto regime has requested Interpol "red notices" on Zelaya cabinet members. End summary.

[1](#)2. (SBU) Immediately following the forcible removal of President Jose Manuel "Mel" Zelaya on June 28 and the subsequent dismissal of his cabinet, Attorney General Luis Rubi, whose position is independent of the executive, initiated an all-out campaign of investigation and prosecution of Zelaya, his cabinet and other Zelaya supporters. Prosecutors in the Public Ministry told Emboffs in late June and early July that they were no longer permitted to work on their usual portfolio of cases and had been instructed by the Attorney General to focus all their efforts on the investigation of the Zelaya cabinet. However, other Emboffs were told by other prosecutors that this was untrue and they were continuing to work their normal portfolios. (Note: the prosecutors in the Public Ministry represent a very wide spectrum of political views, and divisions along political lines within the ministry are well-known, so it is not surprising the Embassy would hear differing stories. End note.)

[1](#)3. (C) While in the first two weeks following the coup Rubi repeatedly denied to the Ambassador and Emboffs that arrest warrants had been issued for anyone other than Zelaya and his Secretary of the Presidency, Enrique Flores Lanza (refs E and F), numerous other cabinet members and Zelaya supporters including congressional deputies and social activists

reported they had received telephone calls from Public Ministry officials "warning" them there were warrants out for their arrest. These calls proved to be an effective intimidation tactic, as many of the individuals targeted went into hiding domestically or fled the country (ref B). Some have re-emerged, but others remain out of the country for fear of prosecution. And in perhaps the most cynical of acts by the regime, on July 9 police arrested Jose David Murillo Sanchez, father of a 20-year-old protester killed in clashes with security forces at Toncontin Airport on July 5 after the father spoke out against the regime (ref D). The arrest was based on a 2007 arrest warrant which had not been acted upon before.

¶4. (U) Two scandals for which prosecutors are investigating Zelaya officials were widely publicized before the June 28 coup. The first case regards the contract for a new headquarters building for the state energy company (ENEE). Prosecutors are pursuing a case against Zelaya Executive Vice President Aristides Mejia, Finance Minister Rebeca Santos, ENEE Director Rixi Moncada, ENEE Legal Advisor Luis Ernesto Colindres, and ENEE internal auditor Gloria Rivera. While the scandal predates the coup, the alacrity with which the Public Ministry is now pursuing the case could be interpreted as politically motivated. The second scandal broke weeks before the coup, and stems from a U.S. criminal prosecution against officials of U.S. companies for bribery of state telecom HONDUTEL officials. The Honduran case so far targets former HONDUTEL managers and advisors, and Post is not aware of any accusations against cabinet-level officials in this case. However, coverage by the anti-Zelaya (and now pro coup) press has attempted to connect President Zelaya to the

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scandal, and points to it as further evidence of his corruption.

¶5. (C) The Public Ministry has also announced that it has put out a warrant for the arrest of Zelaya's Secretary of the Presidency, Enrique Flores Lanza, alleging he withdrew 40 million Lempiras in cash (approximately USD two million) from the Central Bank on June 24 to fund Zelaya's planned June 28 poll (cancelled due to the coup.) However, materials given to the Embassy shortly after the coup by Arturo Corrales, now a member of de facto president Micheletti's San Jose negotiating team, appear to implicate the Security Minister, COL Jorge Rodas Gamero, more directly than Flores, yet no investigation or public accusation has been made against COL Rodas, who stayed on as Security Minister in the de facto regime.

¶6. (SBU) The Flores case illustrates that the Public Ministry has appeared to be far less diligent in its pursuit of justice when persons who carried out or supported the coup have been suspected of wrongdoing. In the most glaring example, prosecutors claim they have been investigating the military's forced removal of President Zelaya from the country, but after more than two months they have not yet filed an indictment, claiming they are still gathering information from the armed forces about the case. Furthermore, neither the police nor the Public Ministry has been able to show any progress in the cases of the two fatalities known to be associated with protester clashes with security forces, nor in the case of Pedro Magdiel Munoz Salvador, whose body turned up in the vicinity of the July 24-25 pro-Zelaya protests along the Honduras-Nicaragua border. Protesters claim they witnessed police detain Munoz the day before his body turned up (refs A and C), but prosecutors have told Emboffs they have concluded the death was not at the hands of the police. Likewise, there have been no reports of progress in solving the murder of pro-Zelaya Radio America journalist Gabriel Fino Noriega (ref E).

¶7. (SBU) In addition to the confirmed prosecutions and anonymous intimidation tactics mentioned above, the pro-coup

media have reported numerous claims of formal legal complaints and investigations against Zelaya administration officials since June 28. In the two most recent cases, the de facto Foreign Ministry announced August 31 it had filed a complaint with the Public Ministry against Foreign Minister Patricia Rodas for usurping government powers in connection with her firing of pro-coup Honduran diplomats and consular employees. And in the September 2 edition of pro-coup dailies "El Herald" and "La Prensa," the Honduran equivalent of the GAO announced it was investigating an alleged confession by President Zelaya that he had paid the armed forces 90 million Lempiras (approximately USD 4.3 million) in cash to assist in carrying out his campaign for a referendum on a constituent assembly. (Note: details of this case will be reported septel. End note.)

18. (C) Comment: The zealous judicial pursuit of de facto government opponents and Zelaya supporters in concert with forced closures of anti-coup media outlets, numerous detentions of prosecutors and use of curfews to restrict movement paint a picture of a regime determined to quash opposition and seek political revenge on its opponents. End comment.

HENSHAW